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15 and Class Counsel

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

18 KAMBIZ BATMANGHELICH, on
19 behalf of himself and all others similarly
20 situated, and on behalf of the general
public,

21 Plaintiffs,

22 v.

23 SIRIUS XM RADIO INC. a Delaware
24 corporation, STREAM
25 INTERNATIONAL INC., a Delaware
26 corporation, and DOES 3 through 50,
inclusive,

27 Defendants.
28

CASE NO. CV 09-9190 VBF (JCx)

**SUPPLEMENTAL
DECLARATION OF JENNIFER
M. KEOUGH REGARDING
CLAIMS ADMINISTRATION**

DATE: September 12, 2011

TIME: 1:30 P.M.

COURTROOM: 9

JUDGE: Hon. Valerie Baker
Fairbank

1 I, Jennifer M. Keough declare as follows:

2 **INTRODUCTION**

3 1. I am Executive Vice President, Operations, of The Garden City
4 Group, Inc. ("GCG"). The following statements are based on my personal
5 knowledge and information provided by other GCG employees working under my
6 supervision and, if called on to do so, I could and would testify competently
7 thereto. I submit this Supplemental Declaration in order to provide the Court and
8 the Parties to the Action with updated information regarding the administration of
9 the Settlement as set forth in the Amended Settlement Agreement and Release.
10 Specifically, this Supplemental Declaration reports on the totals of claims received,
11 updated exclusion and objection numbers and costs of administration.

12 **CLAIMS RECEIVED**

13 2. The deadline for Class Members to submit a claim online or to
14 postmark their mailed Claim Form is September 10, 2011. As of July 18, 2011,
15 GCG has received 15,085 unique claims filed online and 294 unique claims filed by
16 mail for a total of 15,379 claims filed. As of 10:00am (PST) on July 19, 2011, a
17 total of 8,006 timely claims have been submitted by Class Members who indicated
18 that they made or received telephone calls while in California. A total of 7,151
19 timely claims have been submitted by Class Members who indicated they made or
20 received telephone calls while in Florida, Maryland, Nevada or New Hampshire.

21 **EXCLUSION REQUEST RECEIVED**

22 3. As of July 18, 2011, GCG has received 32 unique requests for
23 exclusion that were timely postmarked. To date, no late exclusions have been
24 received.
25

26 ///

27 ///

28 ///

OBJECTIONS RECEIVED

4. As of July 18, 2011, GCG has received no objection requests, timely or otherwise.

COSTS OF ADMINISTRATION

5. The cost of administration through June 30, 2011 has been approximately \$383,455.81, of which \$285,825.23 has already been disbursed to GCG through the Common Fund, as approved by the Court's June 24, 2011 Order Re: Initial Distribution of Fees to GCG, Inc., the Court-Appointed Settlement Administrator. In addition to Settlement administration fees, this includes expenses for notice including the printing and postage fees for mailed notices.

6. The estimated cost to complete the Settlement administration is \$525,000, which includes all fees and expenses through the conclusion of this matter. This estimate is based upon receipt of an additional 8,000 claims. However, fluctuation in the claims ultimately received would cause the total costs and fees to reflect that difference.

I declare under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of July 2011, at Seattle, Washington.


Jennifer M. Keough